UNITED STATES DISTRICT COURT		SOUTHERN DISTRICT OF TEXAS
THE LAW FUNDER, LLC,	§	
Plaintiff/Garnishor,	§	
	§	
VS.	§	Civil Action: 7:14-cv-00981
	§	
EDWARD D. JONES & CO., L.P.,	§	
Garnishee	§	
	§	
VS.	§	
	§	
GED CIO MINIOZ ID -4 -1	§	
SERGIO MUNOZ, JR., et. al, Defendants-Debtors.	§ §	

# **NOTICE OF GARNISHMENT**

To: Sergio Munoz, Jr. and the Law Offices of Sergio Munoz, Jr., P.C., Defendants, by and through their attorneys, Francisco J. Rodriguez, Law Office of Francisco J. Rodriguez at 1111 W. Nolana Avenue, McAllen, Texas 78504 and John F. Carroll, 111 West Olmos Drive, San Antonio, Texas 78212

You are hereby notified that certain properties alleged to be owned by you have been garnished. If you claim any rights to such property, you are advised:

"YOU HAVE A RIGHT TO REGAIN POSSESSION OF THE PROPERTY BY FILING A REPLEVY BOND. YOU HAVE A RIGHT TO SEEK TO REGAIN POSSESSION OF THE PROPERTY BY FILING WITH THE COURT A MOTION TO DISSOLVE THIS WRIT."

# Respectfully submitted,

#### LAW OFFICE OF J. FRANCISCO TINOCO, P.C.

# /s/ J. Francisco Tinoco

J. Francisco Tinoco, TBA: 24067418
Email: tinoco@sotxlaw.com
The Chase Tower
200 S. 10<sup>th</sup> Street, Suite 802
McAllen, Texas 78501
(956) 683-8300 – (Telephone)
(956) 683-8305 – (Facsimile)
CERSONSKY, ROSEN & GARCIA, P.C.

# /s/ M. H. Cersonsky

M. H. Cersonsky, TBA: 04048500 Email: <a href="mailto:mhcersonsky@law-crg.com">mhcersonsky@law-crg.com</a> 1770 St. James Place, Suite 150 Houston, Texas 77056 (713) 600-8500 – Telephone (713) 600-8585 – Facsimile

ATTORNEYS FOR PLAINTIFF-GARNISHOR, THE LAW FUNDER, LLC

# **CERTIFICATE OF SERVICE**

I hereby certify that on the 7<sup>th</sup> day of June 2018, the foregoing Certificate of Service by Mail and Notice of Garnishment, was served as following:

<u>Via Electronic Case Filing</u> <u>CM/RRR: #7014 1200 0001 0750 1018</u>

& First-Class U.S. Mail

Francisco J. Rodriguez Law Office of Francisco J. Rodriguez 1111 W. Nolana Avenue McAllen, Texas 78504

<u>Via Electronic Case Filing</u> <u>CM/RRR: #7014 1200 0001 0750 1025</u> & First-Class U.S. Mail

John F. Carroll 111 West Olmos Drive San Antonio, Texas 78212

Attorneys for Defendants Law Offices of Sergio Munoz, Jr., P.C. Sergio Munoz, Jr., individually

/s/ M. H. Cersonsky
M. H. Cersonsky

UNITED STATES DISTRICT COURT		SOUTHERN DISTRICT OF TEXAS
	_	
THE LAW FUNDER, LLC,	§	
Plaintiff/Garnishor,	§	
	§	
VS.	§	Civil Action: 7:14-cv-00981
	§	
EDWARD D. JONES & CO., L.P.,	8	
Garnishee	§	
	§	
VS.	§	
	§	
	§	
SERGIO MUNOZ, JR., et. al,	Š	
Defendants-Debtors.	§	

### **CERTIFICATE OF SERVICE BY MAIL**

I certify that on this day, I mailed to Sergio Munoz, Jr. and the Law Offices of Sergio Munoz, Jr., P.C., by and through their attorneys, Francisco J. Rodriguez, Law Office of Francisco J. Rodriguez at 1111 W. Nolana Avenue, McAllen, Texas 78504 and John F. Carroll, 111 West Olmos Drive, San Antonio, Texas 78212, a copy of the Application for Garnishment and a copy of the affidavit in support thereof, and writ of garnishment, attached here to as Exhibits A-C, and the statutory notice of garnishment, by sending the same via certified mail/return receipt requested number 7014 1200 0001 0750 1018 and 7014 1200 0750 1025, by first class U.S. mail, addressed as stated above.

SIGNED on this the 7<sup>th</sup> day June 2018.

# Respectfully submitted,

#### LAW OFFICE OF J. FRANCISCO TINOCO, P.C.

#### /s/ J. Francisco Tinoco

J. Francisco Tinoco, TBA: 24067418
Email: tinoco@sotxlaw.com
The Chase Tower
200 S. 10<sup>th</sup> Street, Suite 802
McAllen, Texas 78501
(956) 683-8300 – (Telephone)
(956) 683-8305 – (Facsimile)

CERSONSKY, ROSEN & GARCIA, P.C.

# /s/ M. H. Cersonsky

M. H. Cersonsky, TBA: 04048500 Email: <a href="mailto:mhcersonsky@law-crg.com">mhcersonsky@law-crg.com</a> 1770 St. James Place, Suite 150 Houston, Texas 77056 (713) 600-8500 – Telephone (713) 600-8585 – Facsimile

ATTORNEYS FOR PLAINTIFF-GARNISHOR, THE LAW FUNDER, LLC

# **CERTIFICATE OF SERVICE**

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<u>Via Electronic Case Filing</u> <u>CM/RRR: #7014 1200 0001 0750 1018</u>

& First-Class U.S. Mail

Francisco J. Rodriguez Law Office of Francisco J. Rodriguez 1111 W. Nolana Avenue McAllen, Texas 78504

Via Electronic Case Filing CM/RRR: #7014 1200 0001 0750 1025 & First-Class U.S. Mail

John F. Carroll 111 West Olmos Drive San Antonio, Texas 78212

Attorneys for Defendants Law Offices of Sergio Munoz, Jr., P.C. Sergio Munoz, Jr., individually

/s/ M. H. Cersonsky
M. H. Cersonsky

UNITED STATES DISTRICT COURT		SOUTHERN DISTRICT OF TEXAS
THE LAW FUNDER, LLC,	§	
Plaintiff/Garnishor,	§ §	
vs.	§ 8	Civil Action: 7:14-cv-00981
EDWARD D. JONES & CO., L.P.,	§ §	
Garnishee	§ §	
VS.	§ §	
SERGIO MUNOZ, JR., et. al,	§ §	
Defendants-Debtors.	§ §	

# EX PARTE APPLICATION FOR WRIT OF GARNISHMENT AFTER JUDGMENT

#### TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff-Garnishor THE LAW FUNDER, LLC, ("Garnishor") applies Ex Parte for a Writ of Garnishment After Judgment against Garnishee Edward D. Jones & Co., L.P. ("Garnishee") as follows:

Garnishee is a foreign limited partnership authorized to do business in the State of Texas. It may be served with a Writ of Garnishment through its Registered Agent, C. T. Corporation System, 1999 Bryan St., Suite 900, Dallas, Texas 75201.

Defendant Sergio Munoz, Jr.'s Social Security Number is XXX-XX-6152.

Defendant Law Offices of Sergio Munoz, Jr., P.C.'s tax payer identification number is: XX-XXX9660.



### A. REQUEST FOR EX PARTE CONISDERATION

Request For Ex Parte Consideration. Garnishor requests that the Court consider and grant this application for Writ of Garnishment on an ex parte basis. Given the nature of the garnishment requested, namely account(s) at a financial institution, if the judgment-debtors are advised of the request and issuance of a Writ of Garnishment prior to the service of the Writ of Garnishment, it is likely that the judgment-debtors will close any accounts at issue which will irreparably harm the Garnishor.

#### **B. FACTUAL BACKGROUND**

On September 29, 2017, Garnishor obtained a judgment ("Judgment") against Debtors-Defendants Sergio Munoz, Jr. and Law Offices of Sergio Munoz, Jr., P.C., ("Defendants") in this action, a true and correct copy of which is attached hereto as Exhibit 1 and incorporated herein by reference as if fully set forth. The Judgment is valid and subsisting, and the amount owed on the Judgment against Sergio Munoz, Jr. and Law Offices of Sergio Munoz, Jr., P.C., jointly and severally, is as follows:

- a. the sum of \$2,988,660.61;
- b. court costs; and
- c. post-judgment interest at an annual interest rate of 1.31%.

#### C. BASIS FOR THE WRIT OF GARNISHMENT

Garnishor has reason to believe, and does believe, that Garnishee has in hand property belonging to or otherwise received from Defendants and/or is indebted to Sergio Munoz, Jr. and the Law Offices of Sergio Munoz, Jr., P.C. In particular, but without limitation, Garnishor seeks garnishment of any and all: cash on hand from or held on behalf of Defendants; funds received from or held or paid on behalf of Defendants; and/or personal accounts owned by Defendants, including any checking, savings, money-market, or brokerage cash accounts, and as well, any property

belonging to Sergio Munoz, Jr. and/or the Law Offices of Sergio Munoz, Jr., P.C. Within Plaintiff's knowledge, Defendants Sergio Munoz, Jr. and the Law Offices of Sergio Munoz, Jr., P.C. do not possess property within the State that is subject to execution and that is sufficient to satisfy the judgment. This garnishment is not sought out to injure either Defendants or Garnishee.

Garnishor requests that the Court waive any bond that might be required for the issuance of the Writ of Garnishment.

Plaintiff, The Law Funder, LLC is entitled to issuance of the Writ of Garnishment on the grounds stated in the attached affidavit, which is incorporated herein. The affidavit sets forth the grounds for the belief that garnishee has assets of Defendants or is indebted to Defendants.

#### D. PRAYER

Accordingly, Plaintiff, The Law Funder, LLC, prays that:

- 1. A Writ of Garnishment be issued directed to Garnishee;
- 2. Defendants Sergio Munoz, Jr. and the Law Offices of Sergio Munoz, Jr., P.C. be served with a copy of the Writ of Garnishment, **after it is served on garnishee**, along with this application and the accompanying affidavit;
- 3. The Law Funder, LLC be granted judgment against the Garnishee for amounts due on the Final Judgment by Sergio Munoz, Jr. and the Law Offices of Sergio Munoz, Jr., P.C., as follows:
  - a. the sum of \$2,988,660.61;
  - b. court costs; and
  - c. post-judgment interest at an annual interest rate of 1.31%.

Garnishor, The Law Funder, LLC be granted such other and further relief at law and in equity to which Garnishor The Law Funder, LLC may be justly entitled.

Dated May 8, 2018.

Respectfully submitted,

# LAW OFFICE OF J. FRANCISCO TINOCO, P.C.

#### /s/ J. Francisco Tinoco

J. Francisco Tinoco, TBA: 24067418 Email: tinoco@sotxlaw.com The Chase Tower 200 S. 10<sup>th</sup> Street, Suite 802 McAllen, Texas 78501 (956) 683-8300 – (Telephone) (956) 683-8305 – (Facsimile)

# CERSONSKY, ROSEN & GARCIA, P.C.

# /s/ M. H. Cersonsky

M. H. Cersonsky, TBA: 04048500 Email: <a href="mailto:mhcersonsky@law-crg.com">mhcersonsky@law-crg.com</a> 1770 St. James Place, Suite 150 Houston, Texas 77056 (713) 600-8500 – Telephone (713) 600-8585 – Facsimile

ATTORNEYS FOR PLAINTIFF-GARNISHOR, THE LAW FUNDER, LLC

UNITED STATES DISTRICT COURT		SOUTHERN DISTRICT OF TEXAS
THE LAW FUNDER, LLC,	§	
Plaintiff/Garnishor,	§ §	
vs.	<b>§</b>	Civil Action: 7:14-cv-00981
EDWARD D. JONES & CO., L.P., Garnishee	9 8 8	
VS.	9 69 E	
SERGIO MUNOZ, JR., et. al, Defendants-Debtors.	8	

# AFFIDAVIT IN SUPPORT OF EX PARTE APPLICATION FOR WRIT OF GARNISHMENT AFTER JUDGMENT

STATE OF NEW JERSEY
COUNTY OF BERGEN

Before me, the undersigned authority, on this day personally appeared George Prussin, who, being by me first duly sworn on oath stated:

- My name is George Prussin. I am over the age of 18 years, am competent and authorized
  to make this affidavit in support of Plaintiff's post-judgment Ex Parte Application for Post
  Judgment Writ of Garnishment. I am a partner at The Law Funder, LLC.
- 2. I have personal knowledge of the facts set stated in this Affidavit and they are true and correct.
- 3. Plaintiff owns a judgment against Defendants Sergio Munoz, Jr. and the Law Offices of Sergio Munoz, Jr., P.C. rendered by this Court. The judgment is valid and subsisting and a supersedeas bond has not been approved and filed to suspend execution of the judgment. The amount due on the judgment is as follows:
  - a. the sum of \$2,988,660.61;
  - b. court costs; and
  - c. post-judgment interest at an annual interest rate of 1.31%.

**EXHIBIT B** 

- 4. Defendants Sergio Munoz, Jr. and the Law Offices of Sergio Munoz, Jr., P.C. do not possess, to Plaintiff's knowledge, property within the State of Texas subject to execution and that is sufficient to satisfy the Judgment. The garnishment is not sought to injure Defendants Sergio Munoz, Jr., and the Law Offices of Sergio Munoz, Jr., P.C.
- Upon information and belief, I have reason to believe and do believe that Garnishee Edward D. Jones & Co., L.P., has property belonging to Defendants, or is indebted to Defendants Sergio Munoz, Jr. and/or the Law Offices of Sergio Munoz, Jr., P.C.
- 6. The grounds or basis for the belief that Edward D. Jones & Co., L.P., has property belonging to Defendants or is indebted to Defendant Serglo Munoz, Jr. 's a prior year consolidated 1099 statement from Edward D. Jones & Co., L.P. with Sergio Munoz, Jr.'s name on the statement for account number ending in 1-1, which was produced in post-judgment discovery. Another document shows an account ending in 1-2.

THE LAW FUNDER, LLC

By

Tilla

SUBSCRIBED AND SWORN TO BEFORE ME on this the 2 day of 2018, to certify which witness my hand and official seal.

KENNETH E POTTS Notary Public – State of New Jersey My Commission Expires Mar 6, 2022 Notary Public in and for the State of New Jersey Case 7:14-cv-00981 Document 140 Filed on 06/07/18 in TXSD Route 13 of 14

006136

Data Entry Clerk: PP

Disposition Clerk: \_\_\_\_\_

UNITED	STATES	DISTRICT	COHRT
	DILLIO	DIGINAL	

SOUTHERN DISTRICT OF TEXAS

THE LAW FUNDER, LLC, Plaintiff/Garnishor, VS. EDWARD D. JONES & CO., L.P., Garnishee VS. SERGIO MUNOZ, JR., et. al, Defendants-Debtors.

Civil Action: 7:14-cv-00981

#### WRIT OF GARNISHMENT AFTER JUDGMENT

STATE OF TEXAS **GARNISHEE GREETING:** 

> EDWARD D. JONES & CO., L.P. By Serving its Registered Agent: C. T. Corporation System 1999 Bryant St., Suite 900 Dallas, Texas 75201

Whereas in the U.S. District Court for the Southern District of Texas, McAllen Division, in Civil Action No. 7:14-cv-00981, The Law Funder, LLC, Plaintiff and Sergio Munoz, Jr. and the Law Offices of Sergio Munoz, Jr., P.C., Defendants, on September 29, 2017, judgment was rendered by the U.S. District Court for The Law Funder, LLC who now has a judgment against Sergio Munoz, Jr., and the Law Offices of Sergio Munoz, Jr., P.C., jointly and severally, which debt is just, due, unpaid and final pursuant to judgment entered and signed on September 29, 2017, has applied for a Writ of Garnishment against you, the said Garnishee as follows: Broakle

1. The amount of \$2,988,660.61, court costs, plus interest on such sum at the judgment rate of 1.31% from the date of judgment until paid.

THEREFORE, YOU ARE HEREBY COMMANDED to file a sworn written answer on or before ten o'clock a.m., on the expiration of Twenty days from the date of service hereof, then and there to answer upon oath what, if anything, you are indebted to said defendants, and were, when this Writ was served upon you; and

- 1. The effects, if any of the said defendants you had in your possession, and had when this writ was
- 2. What other persons, if any, within your knowledge, are indebted to said defendants, or have effects belonging to said defendants in their possession.

YOU ARE FURTHER COMMANDED not to pay to defendants any debt or to deliver to them any effects pending further order of this Court.

1 of 3

EXHIBIT C

Date 5-16-18
Rct. No. 1095119
Rct. No. 1095119 Ck. No. 7933
Pct. 5 3/2/140 9



# OFFICERS RETURN OF SERVICE

Received at 953 o'clock m on the 14 day of m	2018, and executed in
Dallas County at <u>35</u> o'clock <u>PM</u> on the <u>10</u> day of <u>1</u>	, 2018 by delivering to
Edward D. Jones 300, L.P. by serving it's	s registered agent <u>C.T. Corporation</u>
System - Ana Gruel in person a true copy	of a Wait of Garnonman and
executed at 1999 Bryan St #900, Dallas, TX 75201.	V

Fee: \$140.00

Dallas County Deputy Constable Pct. 5